

STATEMENT OF THE CASE

Defendant-Appellant Thomas E. Glover appeals from the denial of his petition to correct an erroneous sentence.

We affirm.

ISSUE

Glover states the issue as: Whether the trial court erred in not giving Glover good time credit for all of his pre and post-sentence jail time.

FACTS

Glover entered a guilty plea on 30 July 1999, to the Class C felony of dealing in cocaine and the Class D felony of resisting law enforcement. He was sentenced to ten years on the Class C felony, six years executed and four years probation. The Class D felony sentence was eighteen months and was to be served concurrently with the Class C felony sentence. Glover received jail time credit for 114 actual days served.

On 19 November 2002, Glover entered a guilty plea to the Class B felony of unlawful possession of a firearm by a person convicted of a felony. Glover was sentenced to an executed term of ten years. This sentence was to be served consecutively to the four year sentence imposed when Glover's probation from the 1999 sentence was revoked. Glover received jail time credit for 113 actual days served.

Glover filed a *pro se* petition for post-conviction relief and then withdrew the petition. He then filed a *pro se* motion to correct an erroneous sentence that was summarily denied.

DISCUSSION AND DECISION

Glover argues that the trial court erred when it did not award good time credit for time served while awaiting trial or sentencing. Ind. Code 35-38-3-2(a) states that when a convicted person is sentenced to imprisonment, the court shall, without delay, certify, under the seal of the court, copies of the judgment of conviction and sentence to the receiving authority. Ind. Code 35-38-3-2(b) states that the amount of credit, including credit time earned, for time spent in confinement before sentencing must be included.

Glover's argument notwithstanding, we affirm for two reasons. First, simply because a trial court failed to record a defendant's pre-sentence good time credit in its judgment does not mean that the defendant failed to receive pre-sentence good time credit. *Robinson v. State*, 799 N.E.2d 1202, 1205 (Ind. Ct. App. 2003). Second, Glover has been sentenced and incarcerated. If Glover feels that he has not received all the good time credits that he deserves, his remedy for correcting an alleged error in the determination of his pre-sentence good time lies with the Department of Correction, and not the trial court. *Id.*

CONCLUSION

The trial court's judgment is affirmed.

SHARPNACK, J., and MATHIS, J., concur.